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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,595	06/26/2003	Fred E. Macciocchi	2003P07971 US	5044
7590 10/06/2004			EXAMINER	
Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			NGUYEN, PATRICIA T	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,595

Applicant(s)

MACCIOCCHI, FRED E.

Examiner

Patricia T Nguyen

Art Unit

2817



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,9,10,12-14,16,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,4,7,8,11,15,17,18 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, 12, 14, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gauthier et al., U.S. Patent # 4,952,795.

Fig. 1 of Gauthier et al. discloses a circuit comprising: Input current is applied at input node A; amplifier PA can be read as a transimpedance amplifier; diodes PDA, D1, D2, Dp, resistors R1, RP can be read as an overdrive limiter circuit or an overdriver sensing circuit wherein diodes PDA, D1, D2, Dp can be read as switching network.

Claims 1, 3, 6, 10, 12, 13, 14, 16, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Colangelo, U.S. Patent # 6,127,885.

Figs. 12b,13 of Colangelo discloses a circuit comprising: Input current is applied at input node 224; amplifiers connect to terminals 214A, 214B can be read as a transimpedance amplifier; bridge diodes connects to transistors Q8, Q9 and transistors Q8, Q9 can be read as an overdrive limiter circuit or an overdriver sensing circuit wherein the bridge diodes can be read as switching network or a Schottky bridge, transistors Q8, Q9 can be read as first and second current sources; the capacitor and

resistor from node 214A to input of the amplifier and to input of bridge diodes can be read as an RC feedback network in claim 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al., U.S. Patent # 4,952,795.

Although Gauthier et al. does not mention that the diode comprises one of a junction field-effect transistor and a NPN transistor it is well known in the art that the diode can be made out of one of a junction field-effect transistor and a NPN transistor as a matter of design choice in the absence of unexpected results.

Claims 5, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colangelo, U.S. Patent # 6,127,885.

Regarding claim 5, although Colangelo does not mention that the diode comprises one of a junction field-effect transistor and a NPN transistor it is well known in the art that the diode can be made out of one of a junction field-effect transistor and a NPN transistor as a matter of design choice in the absence of unexpected results.

Regarding claims 9 and 19, resistors connected between nodes 214A and 214B can be read as two serially arranged load resistors and although Colangelo does not mention that the resistors having resistances of 75 ohms, the values of the resistors are just design variables. Thus, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to set the values of resistances to 75 ohms in order to have an optimum working condition for the circuit.

Allowable Subject Matter

Claims 2, 4, 7, 8, 11, 15, 17, 18, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents # 4,956,565, # 6,108,183, # 5,761,317, # 4,791,314 contain some limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia T Nguyen whose telephone number is (703) 308-1927. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 703-309-4940. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2817

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTN

October 1, 2004

Patricia Nguyen

**PATRICIA NGUYEN
PRIMARY EXAMINER**